



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WEN ZHANG,
Plaintiff,
-against-
FOUR SEASONS BEAUTY SPA, INC.,
et al.,
Defendants.

18-CV-8259 (GHW) (BCM)

**ORDER DENYING ADJOURNMENT
REQUEST**

BARBARA MOSES, United States Magistrate Judge.

On November 3, 2021, the Hon. Gregory H. Woods, United States District Judge, referred this single-plaintiff wage and hour action to me for a settlement conference, to be conducted between the plaintiff (who is represented by counsel) and individual defendant Xia Zhuo, who is *pro se*. (Dkt. Nos. 150, 152.) On January 28, 2022, I scheduled the settlement conference for March 9, 2022. (Dkt. No. 155.) Judge Woods then adjourned the final pretrial conference and trial of this action (previously scheduled for March 22, 2022) "pending the settlement conference with Judge Moses." (Dkt. No. 156.)

In advance of the settlement conference, plaintiff was required to: (a) conduct a good-faith settlement negotiation with defendant Xia Zhuo; (b) submit a confidential settlement statement to the Court no later than March 2, 2022; (c) submit an acknowledgment form, by the same deadline, confirming that the plaintiff and his lead counsel will attend the conference; (d) make any adjournment request at least one week in advance of the conference; and (e) keep the substance of the parties' settlement negotiations confidential. *See* Rev. Order Scheduling Sett. Conf. (Dkt. No. 157) ¶¶ 2, 3, 4, 5, 7.

Instead, plaintiff: (a) did not conduct any substantive settlement negotiation with defendant Xia Zhuo until March 7, 2022 (he claims that this was due to a lack of good faith effort by Xia Zhuo); (b) did not submit any confidential settlement statement until March 4, 2022 (at which point the parties had not yet conducted substantive settlement negotiations); (c) did not submit (and still has not submitted) any acknowledgment form confirming his attendance at the settlement conference; (d) sought to adjourn the March 9, 2022 conference, *sine die*, by means of a letter-application first filed on the evening of March 7,

2022, on the ground that the parties' positions are too far apart; and (e) in that March 7 letter-application, filed on the public docket, improperly revealed the precise dollar amount of the settlement offers that defendant Xia Zhuo has made. The Court additionally notes that the March 7 letter-application does not indicate whether Xia Zhuo has consented to (or even knows about) the adjournment request, nor whether she has been served with a copy.

The Court has placed the March 7 letter-application under seal, *sua sponte*, and hereby DENIES it. Plaintiff, his lead counsel, defendant Xia Zhuo, and her translator (who may be a friend or relative but must be fluent in both English and Xia Zhuo's language and able to translate throughout the entire conference) shall **appear as scheduled for a remote settlement conference, via Zoom, at 2:15 on March 9, 2022.** Plaintiff's acknowledgment form must be submitted **today.**

The Clerk of Court is respectfully directed to mail a copy of this order to Xia Zhuo. In addition, plaintiff's counsel is directed to email a copy of this order to Xia Zhou **immediately** and file proof of such service on the docket of this action.

Dated: New York, New York
March 8, 2022

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge